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10/581,691

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EXAMINER

PATTON, SPENCER D

ART UNIT

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3664

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/581,691	<b>Applicant(s)</b> SANO ET AL.	
	<b>Examiner</b> SPENCER PATTON	<b>Art Unit</b> 3664	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 5) ☒ Claim(s) 1,3,5,7,9 and 10 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 1,3,5,7,9 and 10 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 06 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                          |

### DETAILED ACTION

1. Claims 1, 3, 5, 7, 9 and 10 are pending.

### *Claim Objections*

2. Claims 9 and 10 are objected to because of the following informalities:

Claim 9 should end with a period.

Claim 10 should be reworded: The route searching method in a navigation system of claim 3,

wherein the first searching step to use the link data for searching, ~~before the navigation system is started,~~ for a route from the detected current position to an intersection provided within a range of a predetermined distance is implemented before the navigation system is started. [[:]]

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 3, 9 and 10** are rejected under 35 U.S.C. 102(b) as being anticipated by Fujita et al (US Patent No. 5,513,110).

Fujita et al teaches:

**Re claim 1.** A navigation system comprising:

a storing unit configured to store link data of links configuring roads on a map (map data storage means 102, Figure 1);

a detection unit configured to detect a current position of a vehicle in case the navigation system itself is started (positioning means 101, Figure 1);

a route searching unit (path search / guidance control means 104, Figure 1) configured to use the link data to search, before setting of a destination is accepted, for a route from the detected current position to an intersection which is provided within a range of a predetermined distance (steps 906-907 and remarks, Figure 9; column 10, lines 11-44; and column 13, lines 31-40), and to search a route from the intersection to the destination after the setting of the destination is accepted (column 10, lines 45-51; and column 13, lines 31-40); and,

a route recommending unit configured to specify a route composed of the route from the current position to the intersection and the route from the intersection to the destination, as searched by the route searching unit, as a recommended route (display control means 105 and display means 106, Figure 1; step 909, Figure 9; step 1012, Figure 10).

**Re claim 3.** A route searching method in a navigation system, the navigation system including a storing unit configured to store link data configuring roads on a map (map data storage means 102, Figure 1), the route searching method effected in the navigation system to execute:

a detecting step to detect a current position of a vehicle in case the navigation system itself is started (step 901, Figure 9);

a first searching step to use the link data for searching, before accepting setting of a destination, for a route from the detected current position to an intersection provided within a range of a predetermined distance (steps 906-907 and remarks, Figure 9; column 10, lines 11-44; and column 13, lines 31-40);

an accepting step to accept a setting of the destination (step 908, Figure 9);

a second searching step for using the link data for searching, after accepting the setting of the destination, a route from the intersection to the destination by using the link data (column 10, lines 45-51; and column 13, lines 31-40); and

a route specifying step to specify a route composed of the route searched from the current position to the intersection by the first searching step and the route searched from the intersection to the destination by the second searching step, as a recommended route (steps 909, Figure 9; and step 1012, Figure 10).

**Re claim 9.** Wherein the route searching unit is configured to use the link data to search, before the navigation system is started, for a route from the detected current position to an intersection which is provided within a range of a predetermined distance (column 10, lines 36-44; The system periodically searches for a route from the current location to an intersection with a road of a higher level even when the driver has not interacted with the system so that the system can quickly cope with a request for directions.)

**Re claim 10.** Wherein the first searching step to use the link data for searching, before the navigation system is started, for a route from the detected current position to an intersection provided within a range of a predetermined distance (column 10, lines 36-44; The system periodically searches for a route from the current location to an intersection with a road of a higher level even when the driver has not interacted with the system so that the system can quickly cope with a request for directions.);

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 5 and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al (US Patent No. 5,513,110) as applied to claims 1 and 3 above, and further in view of Reggie (Review: The Garmin iQue 3600) and Koh et al (US Publication No. 2005/0027926).

The teachings of Fujita et al have been discussed above. Fujita et al fails to specifically teach: **(re claim 5)** the navigation system further comprising: a unit configured to read the data size of the link data within the each mesh area from the storing unit, and to store the data size within a memory; wherein the storing unit is configured to store a data size of link data within each mesh area configuring the map;

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and wherein the route searching unit is configured to refer to the data size of the link data within the each mesh area stored in the memory before reading the link data, and to confirm whether or not the link data can be developed on the memory; and **(re claim 7)** wherein the storing unit is configured to store a data size of link data within each mesh area configuring the map; wherein the navigation system further comprises a unit configured to read the data size of the link data within the each mesh area from the storing unit, and to store the data size within a memory; and wherein the navigation system further executes a step of referring to the data size of the link data within the each mesh area stored in the memory before reading the link data, and confirming whether or not the link data can be developed on the memory.

Reggie teaches, at the screenshot with “Map Install” in the title bar, that such navigation systems read and store the data size of areas of a navigation map.

Koh et al teaches, at paragraph [0028], determining if a memory unit provides enough space for storing data from another source. This ensures a write operation will be successful.

In view of Reggie and Koh et al’s teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to include, with the navigation system as taught by Fujita et al: **(re claim 5)** the navigation system further comprising: a unit configured to read the data size of the link data within the each mesh area from the storing unit, and to store the data size within a memory; wherein the storing unit is

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configured to store a data size of link data within each mesh area configuring the map; and wherein the route searching unit is configured to refer to the data size of the link data within the each mesh area stored in the memory before reading the link data, and to confirm whether or not the link data can be developed on the memory; and **(re claim 7)** wherein the storing unit is configured to store a data size of link data within each mesh area configuring the map; wherein the navigation system further comprises a unit configured to read the data size of the link data within the each mesh area from the storing unit, and to store the data size within a memory; and wherein the navigation system further executes a step of referring to the data size of the link data within the each mesh area stored in the memory before reading the link data, and confirming whether or not the link data can be developed on the memory; since Reggie teaches such navigation systems store and read the data size of sections of a maps, and Koh et al teaches this information can be used to ensure a successful write operation of such data.

### ***Response to Arguments***

7. Applicant's arguments, see pages 7-9, filed 12/12/2011, with respect to the objections and 35 USC 112 rejections of the claims have been fully considered and are persuasive. The objections and 35 USC 112 rejections of the claims have been withdrawn.

8. Applicant's arguments filed 12/12/2011 have been fully considered but they are not persuasive.



9. Applicant argues, on pages 9-12, that Fujita does not teach searching a route from a current position to a nearest intersection before setting of a destination is accepted and before the navigation system is started. However Fujita teaches, at the remarks section of Figure 9 and at claim 3, that this search is performed before the destination point is accepted by the user. Fujita additionally teaches, at column 10, lines 36-44, that the system periodically searches for a route from the current location to an intersection with a road of a higher level even when the driver has not interacted with the system so that the system can quickly cope with a request for directions.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SPENCER PATTON whose telephone number is (571)270-5771. The examiner can normally be reached on Monday-Thursday 9:00-6:00; Alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571)272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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